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# Message Text

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ACTION EUR-12

INFO OCT-01 SY-05 ISO-00 L-03 H-02 PM-03 NSC-05 SP-02

SS-15 USIE-00 SCA-01 DHA-02 SCS-03 EURE-00 SSO-00

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E.O. 11652: N/A
TAGS: ASEC, AFSP, MILI, OGEN, GR
SUBJECT: CASE OF MSG TELESFORO SANCHEZ

REF: A. ATHENS 4937; B. ATHENS 5204

1. NEW ELEMENT INTRODUCED INTO SANCHEZ CASE JULY 16 WHEN DISTRICT ATTORNEY NOTIFIED EMBASSY AND TRIAL COUNSEL THAT VICTIM'S FAMILY HAD APPEALED JUDICIAL DECREE (PARA. 1, REFTEL A) WHICH HAD CONFIRMED LACK OF GREEK JURISDICTION IN CASE. EMBOFF PROMPTLY NOTIFIED MFA OFFICIAL MIGLIARESSIS WHO TOOK IMMEDIATE STEPS TO DISCUSS MATTER WITH MINISTRY JUSTICE OFFICIALS.

2. MORNING JULY 17 MIGLIARESSIS INFORMED EMBOFF THAT GREEK JUDICIAL PROCEDURES DO IN FACT ALLOW FOR APPEAL TO BE FILED AGAINST SUCH A DECREE AS RENDERED IN SANCHEZ CASE. HOWEVER, MFA HAS PREVAILED UPON MINISTRY JUSTICE TO EXPEDITE APPEAL PROCEEDINGS WITH RESULT THAT INSTEAD OF NORMAL 45-90 DAY DELAY, APPEALS COURT WILL HEAR APPEAL TOMORROW JULY 18. MIGLIARESSIS EXPRESSED PERSONAL VIEW THAT APPEALS COURT DECISION WILL UPHOLD ORIGINAL DECREE OF JUDICIAL COUNCIL. HOWEVER, HE DID STATE POSSIBILITY EXISTS (MFA ATTEMPTING
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TO CLARIFY POINT WITH JUSTICE MINISTRY NOW) THAT VICTIM'S

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FAMILY MIGHT HAVE RIGHT TO ADDRESS FURTHER APPEAL TO SUPREME COURT SHOULD APPEALS COURT DECISION GO AGAINST FAMILY. HE WILL HAVE FINAL INFORMATION ON THAT POINT JULY 18.

3. EMBOFF THEN REMINDED MIGLIARESSIS THAT TRIAL COUNSEL HAD NOT YET BEEN ABLE TO SECURE COMMITMENT THAT REQUIRED POLICE WITNESSES WOULD IN FACT APPEAR IN PERSON FOR GCM PROCEEDINGS. MIGLIARESSIS REPLIED THAT HE WAS AWARE OF THIS PROBLEM AND HE HAD JUST SECURED PLEDGE FROM ATHENS CITY POLICE DIRECTOR THAT HE WOULD GIVE EVERY ASSISTANCE AND COOPERATION IN EFFECTING THEIR APPEARANCE. EMBOFF THEN REMINDED MIGLIARESSIS THAT PROBLEM ALSO EXISTED AS TO SECURING PHYSICAL EVIDENCE (REFTEL B) AND MIGLIARESSIS ASSERTED THAT "ONCE PRINCIPAL PROBLEM OF APPEAL HAD BEEN SETTLED" HE IS HOPEFUL HE WILL BE ABLE TO HAVE PHYSICAL EVIDENCE IMPASSE RESOLVED. HE THEN SPOKE OF HIS HOPE THAT GCM MIGHT STILL BE ABLE TO CONVENE ON JULY 21. HOWEVER, HE QUICKLY ADDED THAT WE WOULD BE IN BETTER POSITION TOMORROW (JULY 18) TO KNOW HOW FEASIBLE THAT POSSIBLITY MIGHT BE. EMBOFF REMINDED HIM ONCE MORE OF IMPORTANCE OF PRESENCE OF WITNESSES AND PHYSICAL EVIDENCE FOR GCM PROCEEDINGS AND MIGLIARESSIS ONCE MORE ACKNOWLEDGED HIS UNDERSTANDING THIS FACT.

4. TRIAL COUNSEL HAS FORWARDED SEPARATE MESSAGE TO APPROPRIATE AND INTERESTED MILITARY ADDRESSEES THROUGH OWN CHANNELS.
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